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ATTORNEY FOR PLAINTIFF
UNITED STATES OF AMERICA

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

| | |
|----------------------------------|--------------------------|
| UNITED STATES OF AMERICA, | CR 18-123-BLG-SPW |
| Plaintiff, | |
| vs. | OFFER OF PROOF |
| TIANNA MARIE PANTALION, | |
| Defendant. | |

The United States of America, represented by Assistant United States Attorney Colin M. Rubich, files its offer of proof in anticipation of the change of plea hearing set in this case on December 18, 2018.

THE CHARGE

The defendant, Tianna Marie Pantalion, is charged by Indictment with conspiracy to possess with conspiracy to possess with intent to distribute methamphetamine, in violation of 21 U.S.C. § 846 (Count I) and possession with intent to distribute methamphetamine, in violation of 21 U.S.C. § 841(a)(1) (Count III). The indictment also contains a forfeiture allegation.

PLEA AGREEMENT

There is a plea agreement in this case. Pantalion will plead guilty to Count III, possession with intent to distribute methamphetamine. At the time of sentencing, the United States will move to dismiss Count I of the Indictment if the Court accepts the plea agreement. The plea agreement filed with the Court is the only and most favorable offer extended to the defendant. See *Missouri v. Frye*, 566 U.S. 134 (2012).

ELEMENTS OF THE CHARGE

In order for Pantalion to be found guilty of possession with intent to distribute methamphetamine, in violation of 21 U.S.C. § 841(a)(1), as charged in count III of the Indictment, the United States must prove each of the following elements beyond a reasonable doubt:

First, the defendant knowingly possessed methamphetamine;

Second, the defendant possessed the methamphetamine with the intent to distribute it to another person.

Third, the amount of methamphetamine that the defendant possessed was at least 5 grams of actual methamphetamine.

PENALTY

Count III of the Indictment carries a mandatory minimum five years to 40 years imprisonment, a \$5,000,000 fine, at least four years of supervised release, and a \$100 special assessment.

ANTICIPATED EVIDENCE

If this case were tried in United States District Court, the United States would prove the following:

On June 21, 2018, the BPD street crimes unit conducted a traffic stop on a vehicle driven by a known drug distributor. Pantalion was a passenger. The officers observed drug paraphernalia in plain view and a K9 was called to the scene. After the K9 alerted on the vehicle, the vehicle was searched subject to a search warrant. Officers found over 48 grams of suspected methamphetamine in Pantalion's purse. The methamphetamine contained at least 5 grams of actual methamphetamine.

DATED this 17th day of December, 2018.

KURT G. ALME
United States Attorney

/s/ Colin M. Rubich
COLIN M. RUBICH
Assistant U.S. Attorney